

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brian J. Brown and Michael L. Davis
Issue No.:	6981986
Issue Date:	January 3, 2006
For:	Improved Longitudinally Flexible Expandable Stent
Group Art Unit:	3738

Commissioner for Patents

Docket No.: S63.2N-5605-US04

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION
OF PATENT FOR PTO MISTAKE (37 CFR 1.322(a))**

1. Attached please find:

- (a) Completed Form PTO-1050 believed to be in condition for printing.
- (b) A copy of the Amendment filed August 26, 2005, showing receipt by USPTO on August 26, 2005.
- (c) A copy of the Notice of Allowability mailed September 20, 2005.
- (d) A printout of the Transaction History from USPTO PAIR.

An error attributable to the USPTO has been noted in the claims of Issued Patent 6,981,986. The correct text of the claims is shown in the attached Amendment, which was originally filed August 26, 2005, and which the PTO acknowledged receipt of by way of Auto-Reply Facsimile Transmission.

In response to the Amendment, the USPTO mailed a Notice of Allowability on September 20, 2005. Also included is a printout of the Transaction History from USPTO PAIR.

2. The Amendment filed on August 26, 2005, shows the correct text of the claims that issued in US Patent 6981986:

The fourth indented paragraph of claim 67 (which issued as claim 2) on page 4 of the Amendment reads, in part: "there being a plurality of intermediate undulating segments which are located between the segments at the first and second ends of the stent" (Emphasis added). This language corresponds to column 4, lines 65-67 of claim 2 of the issued patent, which incorrectly states, "there being a plurality of intermediate undulating segments which are located the segments at the first and second ends of the stent" The term --between-- should be added between "located" and "the".

3. Please send the Certificate to:

Michael J. McKeen
VIDAS, ARRETT & STEINKRAUS
Suite 400
6640 Shady Oak Rd.
Eden Prairie, MN 55344-7834

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 17, 2010

By: /Michael J. McKeen/
Michael J. McKeen
Registration No.: 66069

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Facsimile: (952) 563-3001

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1056 237309

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 9525633001

Fax Information

Date Received:

8/26/2005 3:31:59 PM [Eastern Daylight Time]

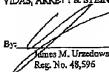
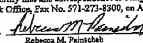
Total Pages:

8 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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08/26/05 14:35 FAX 9525633001		VIDAS ARRETT STEINERKRAUS	0321/000												
PAYER															
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE															
<table border="1"><tr><td>In re Application of:</td><td>Brown et al.</td></tr><tr><td>Application No.:</td><td>09/666,866</td></tr><tr><td>Filed:</td><td>September 20, 2000</td></tr><tr><td>For:</td><td>Improved Longitudinally Flexible Expandable Sheet</td></tr><tr><td>Examiner:</td><td>Paul B. Prebille</td></tr><tr><td>Group Art Unit:</td><td>3738</td></tr></table>				In re Application of:	Brown et al.	Application No.:	09/666,866	Filed:	September 20, 2000	For:	Improved Longitudinally Flexible Expandable Sheet	Examiner:	Paul B. Prebille	Group Art Unit:	3738
In re Application of:	Brown et al.														
Application No.:	09/666,866														
Filed:	September 20, 2000														
For:	Improved Longitudinally Flexible Expandable Sheet														
Examiner:	Paul B. Prebille														
Group Art Unit:	3738														
Mail Stop AE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Docket No.: 9632-5695-1504													
FACSIMILE TRANSMITTAL LETTER															
TO: Examiner Prebille		DATE: August 26, 2005													
FACSIMILE NO.: 571-273-8300		TIME: 2:25 PM													
GROUP ART UNIT: 3738															
TOTAL NUMBER OF PAGES (including cover letter):		8													
Following please find a 7 page Amendment After Final in addition to this 1 page Facsimile Transmitted Letter.															
If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit Account No. 23-0550 for any required fee. To the extent that any petition is required to consider this communication, please tent this on such a petition.															
Respectfully Submitted,															
VIDAS ARRETT & STEINERKRAUS, P.A.															
Date: August 26, 2005		By:  Adam M. Urzedowski Reg. No. 48,595													
6109 Blue Circle Drive, Suite 2000 Minneapolis, MN 55449-9115 Telephone: (952) 563-3000 Facsimile: (952) 563-3001															
Certificate of Transmission I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, P.O. Box 1450, on August 26, 2005.															
Signature:  Rebecca M. Pincus															
PAGE 18 RCV3 AT 8/26/2005 3:31:58 PM [Eastern Daylight Time] 9525633001 FAX 9525633001 0321/000															

*** TX REPORT ***

TRANSMISSION OK

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CONNECTION TEL
SUBADDRESS
CONNECTION ID
ST. TIME 08/26 14:35
USAGE T 02'00
PGS. SENT 8
RESULT OK

140 237308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brown et al.
Application No.:	09/666,866
Filed:	September 20, 2000
For:	Improved Longitudinally Flexible Expandable Stent
Examiner:	Paul B. Prebilic
Group Art Unit:	3738

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2-5605-US04

FACSIMILE TRANSMITTAL LETTER

TO: Examiner Prebilic
FACSIMILE NO.: 571-273-8300
GROUP ART UNIT: 3738
TOTAL NUMBER OF PAGES (including cover letter):

DATE: August 26, 2005
TIME: 2:25pm

8

Following please find a 7 page Amendment After Final in addition to this 1 page Facsimile Transmittal Letter.

If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit Account No. 22-0350 for any required fees. To the extent that any petition is required to consider this communication, please treat this as such a petition.

Respectfully Submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brown et al.
Application No.:	09/666,866
Filed:	September 20, 2000
For:	Improved Longitudinally Flexible Expandable Stent
Examiner:	Paul B. Prebilic
Group Art Unit:	3738

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2-5605-US04

FACSIMILE TRANSMITTAL LETTER

TO: Examiner Prebilic
FACSIMILE NO.: 571-273-8300
GROUP ART UNIT: 3738
TOTAL NUMBER OF PAGES (including cover letter):

DATE: August 26, 2005
TIME: 2:25pm

8

Following please find a 7 page Amendment After Final in addition to this 1 page Facsimile Transmittal Letter.

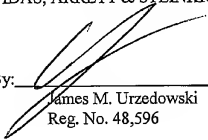
If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit Account No. 22-0350 for any required fees. To the extent that any petition is required to consider this communication, please treat this as such a petition.

Respectfully Submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: August 26, 2005

By: _____

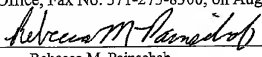

James M. Urzedowski
Reg. No. 48,596

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Telephone: (952) 563-3000
Facsimile: (952) 563-3001

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300, on August 26, 2005.

Signature: _____


Rebecca M. Painschab

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brian J. Brown and Michael L. Davis
Application No.:	09/666866
Filed:	September 20, 2000
For:	Improved Longitudinally Flexible Expandable Stent
Examiner:	Paul B. Prebilo
Group Art Unit:	3738

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-5605-US04

AMENDMENT AFTER FINAL

This Amendment is in response to the Final Office Action dated **July 6, 2005**.

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicants hereby petition for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Please amend the application as follows:

Amendments To The Claims:

Claims 1-56. (Canceled)

Claim 57. (Previously presented) A tubular, flexible, expandable stent having a proximal end and a distal end and comprising:

a plurality of cylindrical shaped segments aligned on a common longitudinal axis to define a generally tubular stent body, each segment having a proximal end and a distal end, each segment being defined by an undulating pattern of interconnected struts to define the periphery of the stent body, circumferentially adjacent struts interconnected at only one end of the struts; and

a plurality of interconnecting elements, each interconnecting element extending from an interconnected end of adjacent struts on one segment to a circumferentially offset interconnected end of adjacent struts on an adjacent segment, each interconnecting element having a proximal end and a distal end, the distal end offset in a circumferential direction and in a longitudinal direction from the proximal end;

the stent including cylindrical shaped segments which have interconnecting elements extending from the distal end of the segment and from the proximal end of the segment, each interconnecting element which extends from the distal end of the segment connected to an interconnecting element which extends from the proximal end of the segment via three struts of the segment;

the stent further including end segments and intermediate segments, each of the struts of the end segments being longer than the struts of the intermediate segments of the stent;

whereby, upon expansion of the stent, struts of adjacent segments are displaced relative to each other about the periphery of the stent body to accommodate longitudinal flexing of the stent within the segments and without interference between adjacent segments.

Claims 58-66. (Canceled)

Claim 67. (Previously presented) A substantially cylindrically shaped stent having a longitudinal axis,

the stent comprising a plurality of closed undulating segments, the undulating segments extending circumferentially about the stent,

each undulating segment having a first end and a second end, the first end

characterized by a plurality of end portions separated by gaps, the second end characterized by a plurality of end portions separated by gaps, the gaps on the first end circumferentially offset from the gaps on the second end and the end portions on the first end circumferentially offset from the end portions on the second end,

one of the undulating segments located at a first end of the stent having a plurality of interconnecting elements extending from one end of the segment only to a segment adjacent thereto and one of the undulating segments located at a second end of the stent having a plurality of interconnecting elements extending from one end of the undulating segment only to an undulating segment adjacent thereto,

there being a plurality of intermediate undulating segments which are located between the segments at the first and second ends of the stent, each intermediate undulating segment having interconnecting elements extending from the first and second ends of the intermediate undulating segments, the interconnecting elements extending from less than all of the end portions at both ends of the intermediate undulating segments,

each interconnecting element extending from an end portion of an undulating segment to an end portion of an undulating segment adjacent thereto,

each interconnecting element having a proximal end and a distal end, the distal end being offset in both a circumferential direction and a longitudinal direction from the proximal end.

Claims 68-78. (Canceled)

Claim 79. (Previously presented) The stent of claim 84 wherein each interconnecting element is substantially straight.

Claim 80. (Previously presented) The stent of claim 84 wherein the stent further includes end segments and intermediate segments and the end segments of the stent include longer struts than the intermediate segments of the stent.

Claims 81-82. (Canceled)

Claim 83. (Previously presented) The stent of claim 84 comprising interconnecting elements which are circumferentially adjacent one another and are separated from one another by six struts on each of the cylindrical shaped segments from which they extend.

Claim 84. (Previously presented) A tubular, flexible, expandable stent having a proximal end

and a distal end and a sidewall with a plurality of openings therethrough, the stent comprising:

a plurality of cylindrical shaped segments aligned on a common longitudinal axis to define a generally tubular stent body, each segment being defined by an undulating pattern of interconnected struts to define the periphery of the stent body, circumferentially adjacent struts interconnected at only one end of the struts; and

a plurality of interconnecting elements, each interconnecting element extending from an interconnected end of circumferentially adjacent struts on one segment to an interconnected end of circumferentially adjacent struts on an adjacent segment, each interconnecting element having a proximal end and a distal end, the distal end circumferentially and longitudinally offset from the proximal end;

the stent including cylindrical shaped segments having at least three struts extending between each interconnecting element extending distally from the cylindrical shaped segment and the nearest interconnecting element extending proximally from the cylindrical shaped segment,

wherein each of the openings in the sidewall is bounded by two interconnecting elements and portions of two different adjacent cylindrical shaped segments.

Claims 85-88. (Canceled)

Claim 89. (Previously presented) A tubular, flexible, expandable stent, comprising:

a plurality of cylindrical shaped segments aligned on a common longitudinal axis, each segment having a proximal end and a distal end and being defined by a member formed in a closed undulating pattern of interconnected struts, circumferentially adjacent struts interconnected at only one end of the struts at an interconnected end portion and

a plurality of interconnecting elements each extending from one segment to an adjacent segment, some of the segments having interconnecting elements extending from the distal end of the segment and from the proximal end of the segment, the interconnecting elements which extend from the distal end of the segment connected to the interconnecting elements which extend from the proximal end of the segment via three struts of the segment,

each interconnecting element extending from one interconnected end portion of one segment to another interconnected end portion of another adjacent segment but not to an oppositely positioned end portion of an adjacent segment.

Claim 90. (Previously presented) A substantially cylindrically shaped stent having a longitudinal axis,

the stent comprising a plurality of closed undulating segments, the undulating segments extending circumferentially about the stent,

each undulating segment having a first end and a second end, the first end characterized by a plurality of end portions separated by gaps, the second end characterized by a plurality of end portions separated by gaps, the gaps on the first end circumferentially offset from the gaps on the second end and the end portions on the first end circumferentially offset from the end portions on the second end,

an undulating segment at a first end of the stent having a plurality of interconnecting elements extending from one end of the segment only to a segment adjacent thereto and an undulating segment at a second end of the stent having a plurality of interconnecting elements extending from one end of the undulating segment only to an undulating segment adjacent thereto,

a plurality of undulating segments which are located between the segments at the first and second ends of the stent having interconnecting elements extending from less than all of the end portions at both ends of the segments,

each interconnecting element having a proximal end extending from an end portion of one undulating segment and a distal end extending from an end portion of an undulating segment adjacent to said one undulating segment,

each interconnecting element having a proximal end and a distal end, the distal end circumferentially and longitudinally offset from the proximal end, the interconnecting elements oriented diagonally to the longitudinal axis of the stent.

Claim 91. (Previously presented) The stent of claim 90 wherein the stent is made of metal.

Claim 92. (Previously presented) The stent of claim 91 wherein the metal is a shape memory alloy.

Claim 93. (Previously presented) The stent of claim 90 wherein the stent forms a thin-walled tubular member.

Claim 94. (Previously presented) The stent of claim 90 formed as a self-expanding configuration.

Claim 95. (Previously presented) The stent of claim 90 formed as a mechanically expandable configuration.

Claim 96. (Previously presented) The stent of claim 90 wherein the interconnecting elements between adjacent segments are of the same length.

Claim 97. (Canceled)

Claim 98. (Previously presented) The stent of claim 84 wherein the stent is expandable from an unexpanded state to an expanded state, in the unexpanded state at least a portion of the interconnected struts being parallel to one another.

Claim 99. (Previously presented) The stent of claim 84 constructed and arranged to be self-expanding.

Claim 100. (Previously presented) The stent of claim 84 constructed and arranged to be balloon expandable.

Claim 101. (Previously presented) The stent of claim 84 wherein the stent is constructed from a shape memory material.

Claim 102. (Previously presented) The stent of claim 84 wherein the end portions of adjacent cylindrical shaped segments are not longitudinally opposite one another.

Claim 103. (Cancelled)

Remarks

This Amendment is in response to the Final Office Action dated **July 6, 2005**, wherein claims 97 and 103 were rejected under 35 U.S.C. §112, first paragraph and claims 57, 57, 79-80, 83-84, 89-96 and 98-102 were allowed.

As indicated above, Applicants have cancelled claims 97 and 103 without prejudice or disclaimer. Applicants disagree with the grounds for rejections to claims 97 and 103 and reserve the right to prosecute the subject matter of the instant claims in one or more divisional or continuation applications.

In light of the above, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 57, 79-80, 83-84, 89-96 and 98-102 are earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 26, 2005

By: _____

James M. Urzedowski
Registration No.: 48596

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Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
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f:\wpwork\kjm\05605us04_and_20050726.doc

9-20-05 5632-5605-US04 560 240002

Notice of Allowability

Application No.

09/866,866

Examiner

Paul B. Prebille

Applicant(s)

BROWN ET AL.

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1 ☒ This communication is responsive to the communication filed August 26, 2005
- 2 ☒ The allowed claim(s) is/are 57, 67, 79, 80, 83, 84, 89-96 and 98-102
- 3 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- 1 ☐ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. _____
- 3 ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4 ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient
- 5 ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6 ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- 7 ☒ Examiner's Amendment/Comment
- 8 ☐ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other _____

09/666,866	LONGITUDINALLY FLEXIBLE EXPANDABLE STENT	09-17-2010::13:11:29
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Transaction History

Date	Transaction Description
01-03-2006	Recordation of Patent Grant Mailed
12-14-2005	Issue Notification Mailed
01-03-2006	Patent Issue Date Used in PTA Calculation
12-03-2005	Dispatch to FDC
12-03-2005	Application Is Considered Ready for Issue
09-20-2005	Correction - Drawing NOT Required
09-29-2005	Issue Fee Payment Verified
09-29-2005	Issue Fee Payment Received
09-20-2005	Mail Notice of Allowance
09-20-2005	Mail Formal Drawings Required
09-16-2005	Formal Drawings Required
09-16-2005	Notice of Allowance Data Verification Completed
08-31-2005	Date Forwarded to Examiner
08-26-2005	Amendment after Final Rejection
07-06-2005	Mail Final Rejection (PTOL - 326)
07-05-2005	Final Rejection
04-27-2005	Paralegal TD Accepted
04-20-2005	terminal disclaimer fee paid
04-26-2005	Date Forwarded to Examiner
04-21-2005	Response after Non-Final Action
02-04-2005	Mail Non-Final Rejection
02-03-2005	Non-Final Rejection
12-01-2004	Date Forwarded to Examiner
11-23-2004	Appeal Brief Filed
11-11-2004	Request for Extension of Time - Granted
08-23-2004	Notice of Appeal Filed
08-23-2004	Workflow incoming petition IFW
08-02-2004	Examiner Interview Summary Record (PTOL - 413)
06-15-2004	Mail Non-Final Rejection
06-14-2004	Non-Final Rejection
04-15-2004	IFW TSS Processing by Tech Center Complete
04-07-2004	Date Forwarded to Examiner
04-07-2004	Date Forwarded to Examiner
03-15-2004	Request for Continued Examination (RCE)
04-07-2004	Disposal for a RCE / CPA / R129
03-15-2004	Request for Extension of Time - Granted
03-15-2004	Workflow - Request for RCE - Begin
11-12-2003	Information Disclosure Statement (IDS) Filed
11-12-2003	Information Disclosure Statement (IDS) Filed
09-26-2003	Mail Final Rejection (PTOL - 326)
09-24-2003	Final Rejection
07-23-2003	Date Forwarded to Examiner

07-15-2003 Response after Non-Final Action
07-15-2003 Request for Extension of Time - Granted
03-28-2003 Information Disclosure Statement (IDS) Filed
03-28-2003 Information Disclosure Statement (IDS) Filed
03-20-2003 Mail Non-Final Rejection
03-19-2003 Non-Final Rejection
01-24-2003 Date Forwarded to Examiner
01-24-2003 Date Forwarded to Examiner
12-27-2002 Request for Continued Examination (RCE)
01-24-2003 Disposal for a RCE / CPA / R129
12-27-2002 Workflow - Request for RCE - Begin
07-30-2002 Mail Final Rejection (PTOL - 326)
07-29-2002 Final Rejection
05-22-2002 Date Forwarded to Examiner
05-20-2002 Response after Non-Final Action
05-20-2002 Request for Extension of Time - Granted
01-22-2002 Information Disclosure Statement (IDS) Filed
01-22-2002 Information Disclosure Statement (IDS) Filed
12-20-2001 Mail Non-Final Rejection
12-14-2001 Reverse Issue Fee
12-17-2001 Non-Final Rejection
09-20-2000 Preliminary Amendment
01-02-2001 Information Disclosure Statement (IDS) Filed
01-02-2001 Information Disclosure Statement (IDS) Filed
12-21-2000 Case Docketed to Examiner in GAU
11-30-2000 Application Dispatched from OIPE
11-02-2000 Correspondence Address Change
10-02-2000 IFW Scan & PACR Auto Security Review
09-20-2000 Initial Exam Team nn

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